

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated March 24, 2005. Claims 1-10 and 96 are currently pending in the application.

In the Office Action, the Examiner has rejected Claims 1-10 and 96 under 35 U.S.C. §102(e) as being anticipated by *Yoshida et al.* (U.S. 2001/0055968 A1). More specifically, in rejecting independent Claim 1, the Examiner cites paragraph 17 of *Yoshida* as teaching all the recitations of this claim. Paragraph 17 of *Yoshida* reads as follows:

[0017] When each of the mobile stations comprises first transmission power control means for adjusting the transmission power on the basis of a reception level concerned with the pilot signals and second transmission power control means for controlling the transmission power by a control step size on the basis of a control instruction sent from the base stations under connection, the method according to another aspect of this invention comprises the steps of receiving the pilot signals from the plurality of the base stations, determining the transmission power in inverse proportion to a maximum one of reception levels of the pilot signals, judging whether or not a first reception level of the pilot signals concerned with the base stations under connection exceeds a second reception level of the pilot signals concerned with the base stations under non-connection to produce a result of judgement [sic], changing the control step size from one to another when the second reception level exceeds and does not exceed the first reception level.

Claim 1 reads as follows:

1. A signal transmitting method in a base station, comprising the steps of:
transmitting a common channel signal at a first predetermined power level;

transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level for a predetermined time period; and

transmitting a data channel signal.

More specifically, Claim 1 is directed to a method in a base station for transmitting signals. However, the cited section of *Yoshida* is directed to a mobile station including two transmission power controllers. That is, in *Yoshida*, a transmission power in the mobile station is controlled by a pilot level transmitted from a base station, and its step size is controlled by “control instruction information” transmitted from the base station. However, it is respectfully submitted that there is no disclosure in *Yoshida*, in paragraph 17 or any other section, of a base station for transmitting a common channel signal at a first predetermined power level; transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level for a predetermined time period; and transmitting a data channel signal, as is recited in Claim 1. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 1 as being anticipated by *Yoshida*. Further, it is respectfully requested that the rejection of Claim 1 be withdrawn.

Accordingly, because independent Claim 1 is believed to be in condition for allowance, dependent Claims 2-10 and 96 are also believed to be in condition for allowance as being dependent upon Claim 1.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-10 and 96, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
PJF/DMO/las

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant